

FILED 27 MAY 25 11:28 USDC-ORE

PRESTON BERMAN
2600 Center St. NE
Salem, OR 97301-2669
Telephone: (503) 947-3764

Plaintiff, appearing Pro Se

UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
EUGENE DIVISION

PRESTON BERMAN,

Plaintiff,
v.
PSYCHIATRIC SECURITY REVIEW BOARD;
ALISON BORT, in her official capacity as
Executive Director of the Oregon Psychiatric
Security Review Board,

Defendants.

Case No: 6:24-cv-01127-MTK

MOTION FOR RECONSIDERATION OF
ORDER DENYING CM/ECF
REGISTRATION (ECF NO. 22)

LR 7-1(a)(1)(A) CERTIFICATE OF CONFERRAL

Plaintiff Preston Berman, appearing pro se, certifies that they made a good faith attempt to confer with Defendant's counsel, Jill Schneider (#001619) and James M. Aaron (#132865), regarding this motion. Plaintiff contacted Defendant's office at (971) 673-1880 and spoke with Lana, the switchboard operator, who was unable to reach either counsel. Due to the time-sensitive nature

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REGISTRATION (ECF NO. 22)

of this motion, Plaintiff submits it for the Court's consideration and will promptly serve a copy upon counsel via email.

Plaintiff Preston Berman respectfully moves for reconsideration of the Court's Order dated August 16, 2024 (ECF No. 22), which denied Plaintiff's application to register for CM/ECF as a self-represented party. Plaintiff submits that changed circumstances and case developments now support granting CM/ECF access.

I. CHANGED CIRCUMSTANCES

At the time of Plaintiff's original request (ECF No. 21, filed August 12, 2024), this matter had only just been initiated. Since then, the litigation has advanced substantially. The case has survived a motion to dismiss (ECF No. 37), Defendants have filed an Answer (ECF No. 43), and the parties are now in active litigation with discovery underway and dispositive briefing scheduled.

Plaintiff currently resides at Oregon State Hospital (OSH) pursuant to a civil commitment order. While Plaintiff is confined, OSH is a treatment facility, not a correctional institution. Plaintiff remains legally competent and has access to a Windows-based computer terminal. Since the initiation of this case, Plaintiff has successfully accessed and used PACER to manage filings and monitor case developments.

II. CLARIFICATION OF LEGAL NEED AND TECHNICAL CAPACITY

Given the complexity and volume of materials in this matter, particularly the sealed exhibits and protective order filings, access to CM/ECF is necessary for efficient and timely litigation.

Plaintiff anticipates the need to respond to time-sensitive Rule 56 supplemental briefing (ECF No. 66). Because Plaintiff must transmit filings by U.S. mail, significant days are lost in transit. Access to CM/ECF would restore equal time to prepare and respond in a case already subject to strict scheduling orders.

Plaintiff is capable of adhering to the technical and procedural requirements of CM/ECF, including PDF formatting and certificate of service rules. Plaintiff's existing filings—consistently typed, paginated, and properly captioned—reflect this ability.

III. SUPPLEMENTAL ADA CONSIDERATION

Although Plaintiff does not raise an ADA violation as a primary basis, it bears noting that Plaintiff's status at OSH—civilly committed, not criminally incarcerated—should not be equated with a prisoner for purposes of CM/ECF access. The denial of electronic filing imposes a disproportionate burden in light of Plaintiff's demonstrated competence and technological access.

IV. CONCLUSION

Plaintiff respectfully requests that the Court reconsider its prior denial (ECF No. 22) and approve CM/ECF registration pursuant to LR 5-1(c). Doing so will ensure equal access to the Court in this complex civil matter.

DATED: May 23, 2025.

Respectfully submitted,

s/ Preston Berman
PRESTON BERMAN
2600 Center St. NE
Salem, OR 97301-2669
Telephone: (503) 947-3764

Plaintiff, appearing Pro Se

CERTIFICATE OF SERVICE

I certify that on May 23, 2025, I served the foregoing MOTION FOR RECONSIDERATION OF ORDER DENYING CM/ECF REGISTRATION (ECF NO. 22) upon the parties hereto by the method indicated below, and addressed to the following:

DAN RAYFIELD
Attorney General
JILL SCHNEIDER #001619
Senior Assistant Attorney General
JAMES M. AARON #132865
Assistant Attorney General
Department of Justice
100 SW Market Street
Portland, OR 97201
Telephone: (971) 673-1880
Fax: (971) 673-5000
Email: Jill.Schneider@doj.oregon.gov
Email: James.Aaron@doj.oregon.gov

Attorneys for Defendants

HAND DELIVERY
 MAIL DELIVERY
 OVERNIGHT MAIL
 TELECOPY (FAX)
 E-MAIL
 E-SERVE

DATED: May 23, 2025.

Respectfully submitted,

s/ Preston Berman
PRESTON BERMAN
2600 Center St. NE
Salem, OR 97301-2669
Telephone: (503) 947-3764

Plaintiff, appearing Pro Se



**UNITED STATES DISTRICT COURT
DISTRICT OF OREGON**

**APPLICATION TO REGISTER FOR CM/ECF AS SELF-REPRESENTED
PARTY**

Case Name: Berman v. Psychiatric Security Review Board

Case Number: 6:24-cv-01127-MTK

As a non-prisoner self-represented you may apply for a CM/ECF user account that will allow you to file documents electronically with the Court and to receive electronic service via e-mail of filings in your case. Applying to e-file constitutes consent to electronic service of documents. By checking the appropriate box on page 2 of this application form, you may opt out of receiving electronic service if your application is denied.

ANY REQUEST FOR E-FILING PRIVILEGES MUST BE APPROVED BY THE COURT. You will be notified by e-mail whether your application is granted or denied.

Upon approval of this application by the Court and activation of your PACER and CM/ECF accounts, you will be a Registered User pursuant to Local Rule 5-1(a)(2) and are required to abide by the requirements and conditions for CM/ECF and PACER as explained on the following pages. Approval to e-file or receive service electronically may be discontinued by the Court at any time.

IMPORTANT

DO NOT apply if:

- **You are in prison. E-filing for self-represented parties is available only to non-prisoners. If you become incarcerated during the pendency of your case, any approval to e-file or receive service electronically through CM/ECF will be discontinued.**
- **You are unable or unwilling to abide by any of the applicable requirements.**

Information about electronic filing is available on the Court's website at ord.uscourts.gov, and you may call the Clerk's Office for assistance with questions about this application (Portland: 503-326-8000; Eugene: 541-431-4100; Medford: 541-608-8777).

Clerk's Office staff are prohibited from giving any legal advice regarding your case.

Registrant Information

Case Name: Berman v. Psychiatric Security Review B	Instructions: Review the District of Oregon CM/ECF User Manual , the PACER User Manual , and the PACER Non-attorney Filer Registration page before completing and submitting this form.
Case Number: 6:24-cv-01127-MTK	
Name: Preston, J. Berman <i>(first, middle initial, last)</i>	Address: 2600 Center St. NE Salem, OR 97301
Telephone: (503) 947-3764	
E-mail: pberman33@gmail.com	
<p><input type="checkbox"/> Opt out: If my CM/ECF Application is denied, I do not want to receive electronic service of filings and notice via CM/ECF.</p> <p><input checked="" type="checkbox"/> I certify that I have reviewed the District of Oregon CM/ECF User Manual, the PACER User Manual, and the PACER Non-attorney Filer Registration page.</p> <p><input type="checkbox"/> I have been previously approved for e-filing by the District of Oregon in case no.: _____</p>	
<p>By physically or electronically signing this form, I agree to abide by the requirements and conditions of CM/ECF and PACER, as set forth in the CM/ECF User Manual and PACER User Manual.</p> <p>Signature: s/ Preston Jacob Berman Date: 5/23/25</p>	
<p>E-mail this form to the Court by clicking "Submit by E-mail" below, which will send the form directly to admissions@ord.uscourts.gov.</p>	

[Submit by E-mail](#)